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No. 90-101

In the

Supreme Court of the United States.

OCTOBER TERM, 1989.

ZIBA BENNETT PHELPS III, PRO-SE
PETITIONER,

v.

GERALD M. O'DONNELL, Chapter 13, TRUSTEE
RESPONDENT.

Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.

Reply Brief of Petitioner

ZIBA BENNETT PHELPS III, PRO-SE
P.O. Box 4021,
Arlington, Virginia 22204

August 29, 1990

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2) Forthcoming book, *Certiorari, Writ of*, to go to the publishers at the end of September

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4) The American Bench pages 2 and map

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6) Yale records of endowments

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17) Martindale & Hubbell, page 36, Alabama, Mobile, 1954; the same as 1952 and 53.

18) Current Biography, 1962, page 460.

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Reply Brief of Petitioner

The filing of the letter on August 14, 1990 by the Respondent,[1] Gerald M. O'Donnell, Esq., Chapter 13, Trustee is the first answer in any court by anyone. In the United States Court of Appeals for the Fourth Circuit, he is named as the Respondent by the Clerk of the Fourth Circuit, the Honorable John M. Greacen. The matter of addressing the Clerk of the United States Supreme Court, the Honorable Joseph F. Spaniol, Jr., as "Sir or Madam" denotes a lack of respect to the Honorable Spaniol, as does the second paragraph of the letter: Rest assured, if this court should direct its Clerk, the Honorable Spaniol, in a matter relating to Mr. O'Donnell there would be no hesitation, as the United

States Supreme Court through its clerk would be addressing an officer of an inferior court who is a servant or agent in that court. On November 1, 1988, the Respondent was a party in the proceedings where the court and the counsel for the creditor, Sovran Bank, tried to have the Petitioner obtain a divorce from his wife MARIE to solve the dower interest problem on his land. This was done at a time when the Petitioner did not know the background or who the family of MARIE was. From what took place at the hearing, the court did and so did the Sovran Bank by attempting to have the Petitioner get a divorce to solve the dower interests of MARIE. The Petitioner alleges that the creditor, the Sovran Bank, is a Judgment Creditor by a default judgment improperly perfected and at a time when they had no grounds for judgment. That the Sovran Bank has never filed a proof of claim with Mr. O'Donnell is also alleged by the Petitioner. In court on November 1, 1988, the Petitioner was given the choice of paying off the remainder of the debt or getting a divorce. The Petitioner went to friends. A copy of the transcript of November 1, 1988 in Bankruptcy Court-Eastern District of Virginia is in the ADDENDUM TO PETITION FOR REHEARING AND SUGGESTION FOR REHEARING IN BANC filed with U.S. Court of Appeals for the Fourth Circuit-Case No. 89-3324 on April 5, 1990.

The RESPONDENT asks the PETITION FOR A WRIT OF CERTIORARI be determined on the basis of the Petition and there is reason to believe that this Petition has been prejudged, and in support thereof the Petitioner says: In the spring of 1987 the Petitioner through hard work and intelligence efforts got an address and a name under which his wife MARIE was being hidden. This can now be divulged, as she is no longer there after the attempt on her and her son's life in September 1989; MARIE has been moved. The address the Petitioner obtained was GLADYS MARIE SMITH, 3418 DESCHAUMES, HOUSTON, TX, Tel. 224-2406. The Petitioner on April 26, 1987 drove up and down DESCHAUMES four times trying to find 3418.

DESCHAUMES is in the Carnival District of Houston, which is made of World War II emergency housing and is in the colored district. A white honky in a blue pick-up with Virginia plates and a black-and-white dalmatian on the front seat did not go unnoticed. When the Petitioner got out of the pick-up and walked across a lawn to check a house number which was obstructed by high grass, he came within feet of his wife MARIE, who was in the house. The Petitioner returned to his pick-up because it was the wrong number. The Petitioner returned to his motel and called the telephone number on the address and asked for Mrs. Gladys Marie Smith when a colored man answered the phone. He slammed the phone down. The Petitioner the next day got a detective Mr. Don J. Pannell, Texas License No. C-3933. The United States Government got to him within 12 hours and he would no longer speak with or see the Petitioner. All of this is contained with more detail in a book called: *Certiorari; Writ of*, to be ready for publication the last part of September 1990 and is herein incorporated by reference and hereinafter called the MANUSCRIPT.[2]

MARIE and her family are hidden in the heart of the colored district of Houston and Mobile when there is a threat to their safety. Whitie does not go down into those areas and it has been this way since the 1900s. In addition to this, there is the fact that the elite police guard of the Tsar, Nicholas II was a troop of 25 or 50 colored soldiers over six feet tall and the family is used to this protection. The other places the women are hidden are in the convents of the Daughters of Charity which are under the Jesuits' control.

What one does not often realize is the colored of this nation have a fantastic intelligence system. It ranks among the best. Within the hour after the Petitioner left DESCHAUMES this information was all over this country within the colored network, and this included Justice Thurgood Marshall. It was important that Justice Marshall should be notified, as he sits in review of the Second Circuit Court of Appeals which

includes New York, Connecticut, and Vermont.[4] Five of the major banks that handled the Imperial Russian gold for this country are in New York City. Ethnic origin alone does not implicate Justice Marshall in knowledge of the hiding of MARIE; it is the banks in the Second Circuit Court of Appeals which is in his jurisdiction. Of interest is the number of honorary degrees that Justice Marshal has received from Israeli institutions. The overthrow of the Tsar has deep Israeli involvement with U.S. money and the paid Bolsheviks. One cannot stop here.

Houston is in the Fifth Circuit Court of Appeals which is Justice Byron R. White's responsibility.[4] Before reviewing this, here are some points of note. Justice Byron White graduated from Yale Law School *magna cum laude* in November of 1946 and then clerked for the Chief Justice of the United States Supreme Court, Fred M. Vinson. He entered Yale University Law School in 1940, and his graduation was delayed by the World War II years. While at Yale being the brilliant scholar he is, the following would not have gone unnoticed. The dean of the Yale Law School sits on the Edward Phelps Chair given by the Petitioner's family. There are other chairs at Yale,[6] and one is for William Walter Phelps, a noted jurist, and there is also a gate on the old campus named in his honor. The Yale Law School is endowed by the Uncle Will Trust,[7] now called something else. This trust is some $1 billion two hundred thirty-seven million and change which is used to endow eastern United States law schools, and this trust is in the Wyoming National Bank of Wilkes-Barre, Pennsylvania. The Phelps family in addition gave $50 million to Yale in about 1882 and placed it in the hands of the Phelps Association to watch over it. In 1947 Justice White left Washington as clerk for the Chief Justice of this Court and went to Denver and joined the law firm of Lewis, Grant, etc. to work on corporate cases. Yale has a great presence in Colorado, and this includes the old Hamond School of Mines, which is now the Colorado School of Mines. His eastern knowledge was of great help in Denver. It just so

happens that there is a bond between the Wyoming National Bank and Yale, as it was a bank founded in 1828 by Ziba Bennett, the Petitioner's grandfather's grandfather. Coal was a great source of income to these trusts in the Wyoming National Bank, as were the railroads that hauled it. The Petitioner's grandfather died November 1961, and that is when the cannibalizing of his estate started.[8] Justice White was Deputy Attorney General under Robert Kennedy, the brother of President John F. Kennedy. On March 30, 1962 Justice White was named to the United States Supreme Court.

In the Trust Department of the Wyoming National Bank is the Phelps Bennett Trust in which the coal properties from the estate of Martha Bennett Phelps were placed and which were mostly leased to the Delaware and Hudson Company,[9] a New York Company and a survivor of the D&H Canal Company. The D&H Railroad was owned by the D&H Company[11] and slipped away and became Dreco in some form of magic in 1962 and is now part of Gilford Transportation. There are numerous coal lands in the Wyoming National Bank, and these may total 5,000 acres. Three things of note must be considered before returning to Justice White.

Max Rosenn was a director of the Wyoming National Bank in 1962 and 1963[11] and probably took Ziba Platt Bennett's seat on the Board of Directors, who died in April of 1962. In 1962 and 1963 is when the Wyoming National Bank was cannibalizing the estate of Ziba Bennett Phelps and the coal railroads of eastern Pennsylvania and New Jersey. Max Rosenn is now Senior Judge Max Rosenn on the Third Circuit Court of Appeals, and these railroads and the Wyoming National Bank are in his territories. Retired Justice William J. Brennan Jr. was from New Jersey, and his Judicial areas were the First and Third Circuit Court of Appeals where the Third Circuit was and where Judge Max Rosenn sat, a former director of the bank.[12]

The intertwining continues as Chief Judge of the United States District Courts of the Eastern District of New York is Thomas Collier Platt,[12] whose grandmother was Virginia Lee Phelps,[12A] the Petitioner's grandfather's sister. She may or may not be Ziba Bennett Phelps, Sr.'s sister, as he was hidden in the Phelps family and had European parents. Virginia Lee predeceased her mother, dying in about 1908. When her mother died in 1920 the Phelps-Bennett Trust was created in January 1923 to handle the coal lands for the heirs.[7] Chief Judge Thomas C. Platt's father is named in the Phelps-Bennett Trust[15] as one of the beneficiaries. The Petitioner owns over 50% of the Pennsylvania Railroad and some 31% of the New York Central, according to Edward Darling, an attorney in Wilkes-Barre. The Lehigh Valley Railroad was bought by the Pennsylvania and put into bankruptcy in about 1965. The Lehigh Valley and the other coal-hauling railroads had extensive land in Brooklyn, which is in Chief Judge Platt's jurisdiction. Chief Judge Platt would know, as his father is a beneficiary of this through the trusts. His father Collier Platt has had a stroke and cannot handle his affairs so more of handling these affairs has come under the control of Chief Judge Platt. Note this: The Second Circuit Court of Appeals is under the watchful eye of Justice Thurgood Marshall.[4] Justice Marshall cannot but be knowledgeable of the demise of the eastern coal-hauling railroads and the Pennsylvania, New York Central railroad; he also knows about the Imperial Russian Treasury and the hiding of MARIE.

This should not slip by. The Chief Judge of the United States District of Alabama for the Southern District sitting in Mobile is William B. Hand,[16] who was a junior partner in the law firm of Smith, Hand, Arendall & Bedsole,[17] a seven-member firm where the Hand was his father. This is the firm the Petitioner went to on April 20, 1953 to see Mr. Hand, the judge's father. The direction to that firm was from Sullivan & Cromwell of New York, with the guidance of John Foster Dulles, who had just become Secretary of State for the United States. Chief Judge Hand had been practicing law for about

four years at the time. The accident of the Petitioner's wife on December 4 of 1952 was being handled for NSAA insurance company by the law firm of Smith, Hand, Arendall & Bedsole,[17] so they were already knowledgeable of what was going on before the Petitioner arrived in their offices. Chief Judge Hand could not help but know what was going on, as the office was one big room with one glassed-in area for Mr. Smith or Mr. Hand, Sr.

Chief Judge Hand is important, as Mobile is where MARIE's family was sometimes hidden. MARIE's grandmother, Alexandra, was in Mobile in February 1953. T. Massey Bedsole[17] will not see the Petitioner and says by letter of inquiry by counsel he does not remember and his records of the divorce are destroyed. Chief Judge Hand is in a position to protect his former firm and Mr. Bedsole. Mobile is in the Eleventh Circuit Court of Appeals, and Mississippi is just some 15 miles away. The State of Mississippi is in the Fifth Circuit Court of Appeals. Should something happen in Mobile, the jurisdiction could be quickly changed. Houston has now become the main area where the family lives, and where MARIE has been held. There are still interests in Mobile.

Justice Byron White came to the United States Supreme Court in 1962 and was a President Kennedy appointee when all the things with the Wyoming National Bank were going on, as well as the collapse and cannibalizing of the coal-hauling railroads of the east. He was given the Tenth Circuit Court of Appeals which has extensive Yale and family trust interests in that jurisdiction. He was also given the Fifth Circuit of Appeals[4] and this is where Houston is located.

Justice White has had an unusually close relationship with the United States Marshals, and this goes back to the riots in Montgomery in March of 1961 when he took charge of the U.S. Marshals and directed their actions in Montgomery.[18] The following year Justice White was on the Supreme Court.

Because of this close relationship, it is only natural the U.S. Marshals would keep him well informed on his Fifth Circuit Court of Appeals, which is part of his judicial area. Houston is in the Fifth, and Houston is where Marie had been hidden until the attempted assassination last year. When the Petitioner went down to Deschaumes in Houston in April 26, 1987, Justice White was informed immediately by the Chief U.S. Marshal in Houston. Justice White's involvement does not stop here, as he passed through the portals of the Yale Law School and secured his law degree *magna cum laude*. A brilliant mind in a law school would be inquisitive about his school, and this would lead to knowledge of the Phelps's and the Wyoming National Bank's involvement. The grandson of the man responsible for so much of the benefits of Yale is Ziba Bennett Phelps III, the Petitioner, who also happens to be married to MARIE, the granddaughter of Nicholas II. Justice White has known about the hiding of MARIE since before April 26, 1987 and why she is so well protected.

To have a fair and impartial hearing on the Petitioner's Writ has been jeopardized by the members of this Court knowing about the holding of the Petitioner's wife MARIE by the U.S. government and in specific by the agents and enforcement arm of this Court, the U.S. Marshals. On July 16, 1990 there were on this Court three members who know about the holding or protection of the Petitioner's wife MARIE. On July 20, 1990 Justice Brennan retired and nothing further is said. Justice Marshall knew about the Petitioner's visit to Deschaumes on April 26, 1987 through his own resources as well as through the New York banks that hold the Imperial Russian Treasury who are in his Second Circuit Court of Appeals. The heir to this treasury is the senior member of the Romanoff family, and that is now because of attrition MARIE. Justice Marshall has to know. Justice White is responsible for the Fifth Circuit Court of Appeals where Houston is located and in addition because of his graduation from the Yale Law School he is knowledgeable in the Phelps affairs, and this

includes the marriage of the Petitioner to MARIE, the granddaughter of Nicholas II.

There is still another Justice on the Supreme Court who is aware of the hiding of MARIE and who she is. However, there is insufficient time to investigate and develop this information.

All of the above information is more fully explained in the MANUSCRIPT[2] and any faults or misconceptions are solely due to the necessity of putting so much in the limited space of a Reply Brief.

This Reply Brief is in response to the Respondent's request that the Petition for a Writ of Certiorari stand on its own. This will be most difficult, as members of this court have knowledge of who MARIE is and how she is being held or protected, and the Petitioner's thrust for Certiorari is that he may see his wife MARIE, who is held by the U.S. Marshals, the administrative and enforcement arm of this Court with the direct knowledge of certain members.

These questions are being asked: First, Why is she being held, if MARIE is not who she is? Second, why were the Investigators of the Virginia State Police told not to talk to or do anything further in locating the wife of the Petitioner, MARIE, by the Attorney General of Virginia, Mary-Sue Terry, and this was after they had located MARIE? Third, why did the Commonwealth's Attorney for Arlington County, Virginia and the United States Bankruptcy Court refuse to help the Petitioner get MARIE's Social Security Number through HUD's Federal Parent Locator Service? The cover-up is there and positive.

Conclusion

For the reasons stated above, this Court may not be able to hold a fair and impartial hearing because of direct involvement and knowledge of the holding of MARIE by Justices of this Court; therefore, and for reasons stated in the Petitioner's opening brief, the Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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August 29, 1990